

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2014-053489

12/10/2014

HON. CAREY SNYDER HYATT

CLERK OF THE COURT
L. Wistuber
Deputy

IN RE THE MATTER OF
MARC J KROON

RICHARD R SEYFFER

AND

TRICIA L KROON

TRACEY VAN WICKLER

MINUTE ENTRY

10:45 a.m. (NEF Courtroom 104) This is the time set for Resolution Management Conference on 1) Mother's November 24, 2014 Accelerated Motion for Temporary Orders, 2) Father's November 21, 2014 Motion for Temporary Orders re: Legal Decision Making, Parental Access, Child Support and Exclusive Use of Houses, and 3) Father's September 11, 2014 Petition for Dissolution of a Non-Covenant Marriage (With Children). Petitioner/Father is present and is represented by counsel, Richard R. Seyffer. Respondent/Mother is present and is represented by counsel, Tracey Van Wickler.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Discussion is held regarding the Motion for Partial Summary Judgment filed by Father on November 20, 2014.

Marc J. Kroon and Tricia L. Kroon are sworn.

The parties advise the Court the parties have reached a partial agreement, the terms of which are fully set forth in written form titled "Stipulated Pendente Lite Orders."

Discussion ensues.

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IT IS ORDERED affirming and settling the formal written Stipulated Pendente Lite Orders signed by the Court December 10, 2014 and filed (entered) by the Clerk this 10th day of December, 2014.

Discussion is held regarding the remaining issues.

Mother shall file a Response to Father's Motion for Partial Summary Judgment by no later than **Friday, December 19, 2014**.

By agreement of the parties,

IT IS ORDERED the parties will work together to authorize Mother to withdraw \$10,000 from her portion of the UBS account (in addition to those funds previously agreed). Such moneys shall be earmarked for Mother's attorneys' fees.

THE COURT DIRECTS the parties to meet and attempt to reach an agreement on the personal property/furnishings Mother wishes to retrieve and the disposition of the Paradise Lane home and release of funds therefor.

HEARING SETTING

IT IS ORDERED setting an Evidentiary Hearing on **Tuesday, January 13, 2015 at 2:30 p.m.** (time allotted: 90 minutes) Half of the allotted time will be on the post-nuptial agreement, and the other half will be on the issue of the disposition of and release of funds for the Paradise Lane home. The Evidentiary Hearing will be held in this division before:

**The Honorable Carey Snyder Hyatt
Maricopa County Superior Court
Northeast Regional Court
18380 North 40th Street
Courtroom 104
Phoenix, AZ 85032
(602) 506-3566**

Failure of a party to appear at the stated time for the hearing may result in the court allowing the party who does appear to proceed by default. Failure of both parties to appear on time may result in this action being dismissed.

IMPORTANT: YOU MUST FILE A PRETRIAL STATEMENT AND SUBMIT YOUR EXHIBITS AS DESCRIBED BELOW IN ADVANCE OF THE TRIAL. FAILURE

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TO COMPLY MAY RESULT IN DENIAL OF SOME OR ALL OF THE RELIEF REQUESTED.

IT IS FURTHER ORDERED:

1. **Pretrial Statements.** The parties shall file and provide this Division and the opposing party with a copy of a **Joint Pretrial Statement** or **Separate Pretrial Statements** pursuant to Rule 76, Arizona Rules of Family Law Procedure, no later than 5 days before trial. If US mail is used to provide the pretrial statement, enough time should be taken to ensure that the Court and the opposing party receive the document no later than 5 days before trial.

The Pretrial Statement shall include:

- a. All information required by Rule 76.
- b. A description of each disputed issue the court must decide, and a statement of each party's position on that issue. Absent good cause shown, failure to list an issue in the Pretrial Statement will be deemed a waiver of that issue.
- c. If there are disputed legal decision making (formerly "legal custody") or parenting time (formerly "visitation") issues, a specific proposal for legal decision making and parenting time.
- d. If there are disputed child support issues, a current Parent's Worksheet for Child Support Amount completed by each party.
- e. If there are disputed issues regarding property and debt, a detailed Inventory of Property and Debts, including each party's proposed division of property and debts.
- f. If spousal maintenance is requested and disputed, each party shall state the amount and duration of spousal maintenance requested.
- g. A list of witnesses to be called at trial. Absent good cause shown, failure to list a witness will result in that witness being excluded.
- h. A list of exhibits to be used at trial. Absent good cause shown, failure to list an exhibit will result in that exhibit being excluded.
- i. A list of objections to the other party's exhibits. Any objection not listed in the Pretrial Statement will be deemed waived.

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2. **Trial Exhibits.** Exhibits for use at trial shall be delivered to the Clerk of this Division at least **five (5) business days** before trial for marking, not including weekends, holidays or the day of the proceeding. **If exhibits are not delivered to the Clerk five business days in advance, you may be required to use trial time for the marking of exhibits.** In addition, each party shall deliver a copy of his/her exhibits to the opposing parties at least five business days before trial. Duplicate exhibits shall not be presented.

If US mail is used to provide the trial exhibits, enough time should be taken to ensure that the Court and the opposing party receive the exhibits no later than 5 days before trial.

This Division requests that counsel and the parties **DO PROVIDE** an extra copy of exhibits to the judge on the day of the trial.

3. **Witnesses** – Be aware that due to time limitations and the importance of each party's testimony, there may be insufficient time to call witnesses at trial. All witnesses must be disclosed in advance to the opposing party as provided by the Arizona Rules of Family Law Procedure. Unless otherwise instructed by the Court, **DO NOT BRING MINOR CHILDREN TO THE COURT AT ANY TIME.**

4. **Time Allotted.** Pursuant to Rule 77(C)(5), Arizona Rules of Family Law Procedure, each party presumptively will be allowed half of the available time to present all direct, cross and redirect examination and any argument. For each hour of trial time, this court generally allocates 25 minutes to each party. The parties are expected to complete the trial in the allotted time. If a party believes that more trial time is needed, he or she must file a motion at least 30 days before the trial setting forth good cause to enlarge the trial time. Failure to timely file such a motion will be deemed a waiver of any argument that more trial time is needed.

5. **Settlement.** Counsel and the parties are reminded of their obligation to give prompt notice of any settlement to the court as required by Rule 70, Arizona Rules of Family Law Procedure. If the parties reach a full settlement before trial, the court will vacate the trial only if (1) it receives a Notice of Settlement pursuant to Rule 70, Arizona Rules of Family Law Procedure, or (2) both parties inform the court of the settlement in an on-the-record telephonic conference. Oral notification to court staff or voicemail messages left with the court are insufficient. If the parties desire to place agreements on the record, they should contact this Division to schedule a telephonic conference.

6. **Continuances.** Motions to continue the trial filed more than 30 days before trial will not be granted absent a showing of good cause. Motions to continue the trial filed less than 30 days before trial will not be granted absent a showing of extraordinary circumstances.

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7. **Disclosure and Discovery.**

a. Both parties shall complete all disclosure required by Rules 49, 50 and 91, Arizona Rules of Family Law Procedure, including an exchange of all relevant information, documents and exhibits at least 30 days prior to trial.

b. All depositions and discovery contemplated by Rules 49 through 65, Arizona Rules of Family Law Procedure shall be completed 15 days before trial.

8. **Discovery And Other Pre-Trial Disputes.** If the parties have a dispute concerning discovery matters, or any other pre-trial dispute that requires court intervention, they shall contact this division to schedule a telephonic conference before filing formal discovery motions. Before such telephonic conference, counsel or the parties shall personally consult with each other to either resolve the dispute or narrow the issues.

9. **Trial Record.** All court proceedings are recorded by audio method and not by a court reporter. Any party may request the presence of a court reporter by contacting this division five (5) business days before the scheduled hearing.

11:21 a.m. Matter concludes.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.